

REMARKS**Status of the Claims**

Claims 1 – 14 and 16 - 22 are pending in the application and are subject to an election of species requirement.

Applicant respectfully requests reconsideration of the election of species requirement in view of the following remarks.

Election of Species

At page 2 of the present Office Action, an election of species requirement has been made. The Examiner indicated that the “application contains claims directed to the following patentably distinct species Figures 2, 3, 4, 5a-5b, 6, 7, 8, and 9.”

Applicant respectfully traverses the election of species requirement.

As an initial matter, Applicant respectfully requests that the Examiner provide an explanation as to why Figure 1 was not addressed in the Figures listed by the Examiner.

The Examiner has a duty to provide reasons in support of the election of species requirement:

MPEP 808 states that every requirement to restrict has two aspects:

- (A) the reasons (as distinguished from the mere statement of conclusion) why each invention as claimed is either independent or distinct from the other(s); and
- (B) the reasons why there would be a serious burden on the examiner if restriction is not required.

With respect to aspect (A), MPEP 814(I) states that the particular limitation in the claims and the reasons why such limitations are considered to support restriction of the claims to a particular disclosed species should be mentioned to make the requirement clear.

Applicant submits that the Examiner has provided no statement of reasons as to why particular limitations in the claims are considered to support restriction of the claims to a particular species. Further, Applicant refutes the Examiner’s indication that “claims to the

different species recite mutually exclusive characteristics.” Thus, Applicant submits that the Examiner’s election of species requirement is deficient.

Should the Examiner maintain this election of species requirement, Applicant requests that the Examiner provide Applicants with at least one example of a mutually exclusive characteristic.

With respect to aspect (B), MPEP 808.02 states that the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

- (A) Separate classification thereof
- (B) A separate status in the art when they are classifiable together ...
- (C) A different field of search

The Examiner has declined to provide an appropriate explanation for any of the above, and thus, Applicant submits that the Examiner’s election of species requirement is deficient.

MPEP 808.02 further states, “where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.” Applicant notes that in the first office action, claims 1-5, 13-15, 17 and 18 were rejected as being anticipated by Pospisil et al. (US 5,570,611) and that claims 16 and 21 were rejected as being anticipated by Bates et al. (US 5,911,790). Both Pospisil and Bates are classified under U.S. Classification 74/502.6 (among others). Both Pospisil and Bates list common fields of search (502.4 and 74/502.6, among others). Both Pospisil and Bates include claims directed to the “motion transmitting remote control assembl(ies).” Since then, independent claims 1 and 16 have been amended to be directed to “a cable assembly,” while claim 21 remains directed to “a remote control cable assembly.” Thus, Applicant submits that there is no reason for requiring an election of species in this application.

Applicant respectfully requests that the Examiner withdraw the election of species requirement.

Required Election

As Applicant is required to include an election of species and an identification of the claims encompassing the elected species, Applicant elects the species of FIGS. 5A-5B and 8. FIGS. 5A-5B and 8 do not include any mutually exclusive characteristics. Applicant submits that claims 1-14 and 16-22 read on this species, in that every recitation of the elected claims is shown in FIGS. 5A-5B and 8 or is not inconsistent with FIGS. 5A-5B and 8.

If the Examiner should object to the Applicant's indication that FIGS. 5A-5B and 8 encompass a single species, then, in order to be fully responsive to this election of species requirement, Applicant elects the species of FIGS. 5A-5B. Applicant submits that claims 1-14 and 16-22 read on this species, in that every recitation of the elected claims is either shown in FIGS. 5A-5B or is not inconsistent with FIGS. 5A-5B.

Applicant hereby petitions for a two-month extension of time under 37 C.F.R. 1.136(a). The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733.

Respectfully submitted,

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